IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

WA.No. 174 of 2007()

AGAINST THE JUDGEMENT IN WPC.21974/2005 Dated 15/12/2006
.....

APPELLANT/WRIT PETITIONER:

WADAKANCHERY BLOCK MULTI-PURPOSE
CO-OPERATIVE SOCIETY LTD., REGN.NO.1125,
WADAKKANCHERRY P.O., THRISSUR, REPRESENTED
BY ITS PRESIDENT SRI.E.K.DIVAKARAN.

BY ADV. SRI.SIMON LUIZ
SRI.SHOBY K.FRANCIS

RESPONDENTS/RESPONDENTS:
---

1. DISTRICT MEDICAL OFFICER (HEALTH),
THRISSUR.

2. SUPERINTENDENT, THALAPPILLY TALUK,
GOVERNMENT HOSPITAL, OTTUPARA,
WADAKKANCHERRY P.O., THRISSUR.

3. HOSPITAL DEVELOPMENT COMMITTEE,
THALAPPILLY TALUK, GOVERNMENT HOSPITAL,
REPRESENTED BY ITS CONVENER, (SUPERINTENDENT,
TALAPPILLY TALUK GOVERNMENT HOSPITAL),
WADAKKANCHERRY P.O., THRISSUR.

4. WADAKKANCHERRY BLOCK PANCHAYAT,
REPRESENTED BY ITS SECRETARY, WADAKKANCHERRY,
THRISSUR.

R1 TO R3 BY GOVERNMENT PLEADER MR.T.B.HOOD
R4 BY ADV.MR.C.C.THOMAS

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN, Ag.C.J. &
M.N.KRISHNAN, J.

W.A.No. 174 of 2007

Dated, this the 19th day of February, 2007

JUDGMENT

Radhakrishnan, Ag.C.J.

Heard learned counsel on either side.

2. The learned Single Judge has only held that the right to conduct neethi medical store will be open to all the societies in the Taluk. The petitioner society has produced a letter which would indicate that key has been handed over to the society by the Block Panchayat for the purpose of conducting a neethi medical store. However, learned counsel appearing for the Block Panchayat submitted that they are in possession of the building and there is no question of handing over keys to the petitioner society. No agreement has been produced to show that the building has been given to the petitioner society. In the circumstances, the learned Single Judge felt that it will be appropriate that the right to conduct neethi medical store be given after inviting tenders. We find no error in the direction given by the learned Single Judge to be interfered by us in this

writ appeal. We make it clear that this will not stand in the way of the appellant submitting their tender. Appeal is dismissed as above.

K.S.RADHAKRISHNAN,
Ag.CHIEF JUSTICE.

M.N.KRISHNAN,
JUDGE.

vns